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ADVANCEMENT OF WOMEN

Letter dated 11 October 1993 from the Minister of Foreign Relations of the Dominican Republic addressed to the Secretary-General

Upon instructions of the Government of the Dominican Republic, I have the honour to submit annexed to this letter, a position paper on the subject of the proposal of an INSTRAW/UNIFEM merger.

I would be grateful if you had this letter and the above-mentioned position paper annexed to it circulated as an official document of the General Assembly under agenda item 111.

(Signed) Juan Aristides TAVERAS GUZMAN
Minister of Foreign Relations
of the Dominican Republic

ANNEX

Proposal for the INSTRAW/UNIFEM merger

I. BACKGROUND

1. the International Research and Training Institute for the Advancement of Women (INSTRAW) was conceived at the World Conference of the International Women's Year, held in Mexico City in 1975. The initiative that was put forward in Mexico was further elaborated by subsequent General Assembly and Economic and Social Council resolutions, which led to the establishment of INSTRAW. In this connection we would like to mention in particular Economic and Social Council resolution 1979/11 of 9 May 1979. That resolution stated clearly and specifically that the permanent headquarters of the Institute was to be in the Dominican Republic, a developing country. Both the General Assembly and the Council have reiterated unequivocally the issue of the headquarters' location in Santo Domingo. It is also important to note that the Dominican Government in order to cooperate with the United Nations in the installation of the Institute, donated the building it now occupies. Not only did my Government make such a generous donation, but it also spent large sums of money to renovate the building and adapt it to the specific requirements of the United Nations.

II. PRESENT SITUATION

2. During the thirteenth session of INSTRAW's Board of Trustees held in February 1993 at the Institute's headquarters in Santo Domingo, the representative of the Secretary-General transmitted a message concerning the restructuring process within the United Nations system which would be carried out by means of different measures, inter alia, the possible merging of INSTRAW and UNIFEM and changes of headquarters sites of some of the agencies involved with women in development.

3. The Board's recommendation was that: "the Secretary-General establish a task force composed of all members of the INSTRAW Board of Trustees and of the Consultative Committee of UNIFEM, with the assistance of a representative of the UNDP Administrator, the directors of the two entities, INSTRAW and UNIFEM, and all the agencies involved with women in development to study the available options, with special focus on his intention to review the activities and status of United Nations research and training organizations" (E/1993/44, para. 14).

4. The Secretary-General established a task force, chaired by the Executive Director of the United Nations Population Fund. The composition of the Task Force comprised the following:

(a) Two members of INSTRAW Board of Trustees;

(b) Two members of the Consultative Committee of UNIFEM;

(c) The Director of INSTRAW;

(d) The Director of UNIFEM;

(e) A representative of UNDP;

(f) A representative of the Division for the Advancement of Women, Department for Policy Coordination and Sustainable Development (E/1993/82, annex, para. 1).

The Task Force met from 24 to 26 May 1993. Not all members of the Board were invited to participate in the deliberations, as had been recommended by the Board of Trustees.

5. The ex-officio member of the host country was not included among those members of INSTRAW Board of Trustees that formed the Task Force. The host country's representative should have participated in the working group, since the primary objective of the meeting was to outline and decide upon such crucial matters as:

(a) Review of the mandates of the two bodies;

(b) Identification of the specific functions of each body;

(c) Efficient utilization of available resources;

(d) Review organization and locational matters, and if needed, propose necessary changes;

(e) Proposal of a concrete time schedule for the respective activities in the process of change (E/1993/44, para. 15).

6. It is obvious that decisions made in respect to the above would have required appropriate authorities from both the United Nations and the Dominican Republic to revise and/or amend the provisions set forth in the Agreement between the Organization of the United Nations and the Government of the Dominican Republic in regard to the establishment of INSTRAW headquarters in Santo Domingo. These revisions would have had to include relevant actions related to the premises donated by the Dominican Government to the United Nations at the time of the Institute's establishment. Documented specifications were made to the effect that the premises were donated "with the purpose that it may serve as headquarters of the International Research and Training Institute for the Advancement of Women". The donation was made on the basis of Economic and Social Council resolution 1979/11, which recommended that "the International Research and Training Institute for the Advancement of Women should be located in the Dominican Republic, a developing country". The status of the Dominican Republic as headquarters of an international organization was ratified by General Assembly resolution 38/104 of 16 December 1983, when it "expressed its satisfaction at the official inauguration of the International Research and Training Institute for the Advancement of Women at its permanent headquarters at Santo Domingo.

7. Furthermore, although the Task Force arrived at the conclusion that "a merger of INSTRAW and UNIFEM is desirable" (E/1993/82, annex, para. 13), it reached the conclusion with the following caveats as listed in paragraph 13 of its report (E/1993/82, annex):

"(a) The merger would emphasize the coordination and reinforcement of the linkages and commonalities of the programmes of INSTRAW and UNIFEM without detriment to the comparative advantages and characteristics of each;

"(b) INSTRAW should retain its separate identity and autonomy to pursue independent research and related training activities important for the advancement of women and be headed by a Chief of Research and Training; in this connection, it is recommended that a Research and Training Advisory Committee be established to provide the necessary guidance; the merged INSTRAW/UNIFEM should, however, have a single management and reporting mechanism;

"(c) The existing complement of INSTRAW staff engaged in research and training work is too small and, therefore, overstretched; the merger should release resources to strengthen the capacity of INSTRAW to undertake research and training programmes;

"(d) It is recommended that the existing facility in the Dominican Republic be utilized as a United Nations conference centre for women in development in the mode of the Bellagio Centre in Italy; and the feasibility of this recommendation should be studied, in consultation with the Government; related to this, the feasibility that the printing and dissemination facility could be used in the future to serve the needs of United Nations organizations should also be examined;

"(e) It is essential that the merger not result in a net decrease in the flow of resources to the combined INSTRAW/UNIFEM programme; towards this end, a concerted effort must be made to mobilize the resources of the traditional donors to these organizations and others in support of this strengthened programme;

"(f) A proper analysis should be undertaken of the legal, financial and administrative implications as well as of the time-frame for the merger."

8. Contrary to the stated goal of the merger not resulting in a net decrease of the resources to the combined INSTRAW/UNIFEM program, the high additional costs in office space rental and other operational activities would obviously put an additional burden on the merged institutions which are financed by voluntary contributions.

9. In this respect, the Office of General Services of the Secretariat wrote a letter on 19 May 1993 to the Director of INSTRAW, acknowledging receipt of her letter written on 10 May, in which she inquired about the availability of office space within the Headquarters complex (Secretariat, DC-1 or DC-2). The Office of General Services informed the Director that there was no office space available within the Headquarters complex and that the cost of renting office space would be approximately $420,000 per year. This not only shows that the office space rental would be very substantial, it also shows that on 10 May 1993 the Director of INSTRAW was already looking for office space before the Task Force had finished its deliberations. This is a clear indication that the outcome of the deliberations were taken for granted before the Task Force had

come to any conclusions and that cost-effectiveness was not taken into consideration in the merger decision.

10. The INSTRAW/UNIFEM Task Force report was transmitted to the Economic and Social Council for its information during its substantive session, 28 June-30 July 1993. The following decision was submitted by the Social Committee (see E/1993/105, para. 40):

> "The Economic and Social Council takes note with appreciation of the note of the Secretary-General (E/1993/82) transmitting the report of the Task Force on the International Research and Training Institute for the Advancement of Women and the United Nations Development Fund for Women and agrees that the recommendation to merge these two organizations in pursuance of a stronger, more unified programme for the advancement of women could proceed, subject to the recommendation listed in paragraph 13 of the report, in particular the need for proper analysis of the legal, financial and administrative implications of the merger, and subject to consideration by the General Assembly at its forty-eighth session."

11. On 27 July 1993, the above decision was adopted by consensus (Economic and Social Council decision 1993/235).

12. This decision, in which the Council requested the General Assembly at its forty-eighth session to analyse the legal, financial and administrative implications, does not reflect the endorsement of the Council mentioned by the Secretary-General in his report to the Assembly (A/48/1, para. 126):

> "My proposal to merge the International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Development Fund for Women (UNIFEM) has been endorsed by the Economic and Social Council."

13. It is obvious that the Council exercised much caution when it adopted its decision. This cautious approach stems from the Council's awareness of the seriousness of the situation and of the need for the General Assembly to have sufficient time to carefully examine all the elements involved in the proposal. The Council wanted to avoid any precipitation or premature decisions.

14. There is a remarkable contrast between the attitude assumed by the Secretariat and the cautious approach taken by the Council. According to information that we have received, the Secretariat has been taking steps and measures leading to the removal of INSTRAW's headquarters from its natural location. Thus the Secretariat has been taking for granted a decision which is of the sole competence of the General Assembly.

III. COMMENTS OF THE GOVERNMENT OF THE DOMINICAN REPUBLIC

15. At the moment of preparing this background paper, the Government of the Dominican Republic had not been officially informed nor consulted, as recommended in paragraph 13 (d) of the Task Force report (E/1993/82, annex). The legal implications of a merger were not taken into account in spite of the recommendations made by the Task Force in paragraph 13 (f) of its report.

16. Article IX of the INSTRAW statute (A/39/511, annex), approved by the General Assembly in its resolution 39/249 of 9 April 1985, stipulates that: "The Headquarters of the Institute shall be located in the Dominican Republic at Santo Domingo. The Institute may with the approval of the Board [of Trustees of the Institute] and after consultations with the Secretary-General of the United Nations establish other offices elsewhere". Therefore, the INSTRAW statute thus provides for the possible implementation of a modality that would respond to the Secretary-General's intention to unify United Nations programmes on women, by establishing an INSTRAW office in New York which would combine the research and training work of the Institute with that of UNIFEM without entailing the relocation of its headquarters which would remain in the Dominican Republic where it was legally established by the General Assembly in its resolution 34/157 of 17 December 1979.

17. Tne proposed merger has only contemplated INSTRAW's relocation and not that of UNIFEM. The transfer of INSTRAW to New York would imply very high rental and other operational costs. In addition, most of the locally recruited staff would be seriously affected.

18. On 16 August 1993, the Director of UNIFEM sent a memorandum to all UNDP representatives in the field, with copies to all Assistant Administrators and Regional Directors, urging them to actively collaborate in seeking support from Governments in the countries where they are assigned in order to advocate that the proposed merger be approved by the General Assembly at its forty-eighth session. This memorandum is not only highly irregular, it attempts to pre-empt a decision which is of the sole competence of the General Assembly. It is, moreover, a flagrant violation of Article 100 of the Charter. In this regard, we would like to bring to the attention of Member States the Declaration of the Ministers for Foreign Affairs of the Group of 77 (A/48/485, annex), which, inter alia, expressed its firm opposition to the extension of the functions of the United Nations resident coordinators to the political sphere. According to the declaration, this type of initiative distorts the legitimate nature of United Nations field offices whose functions are related to the operational activities for development in accordance with respective resolutions of the General Assembly (ibid., para. 58). The memorandum written by the Director of UNIFEM is a clear example of the kind of initiative mentioned in the Declaration of the Ministers for Foreign Affairs of the Group of 77. The Dominican Republic, as a member of the Group of 77, joins in its unalterable position with respect to the initiative of expanding the attributes of the United Nations resident coordinators to the political sphere.

19. Article IX of the INSTRAW statute should have been seriously taken into account to avoid a situation whereby the merger proposal would bring about a scope of operations that would not correspond to the range of activities of a headquarters office. The relocation of INSTRAW's headquarters is of particular importance to the Dominican Republic and Latin America and the Caribbean region. Other developing countries of other regions would be affected as well, since paragraph 1 of Economic and Social Council resolution 1979/11 of 9 May 1979 recommended that INSTRAW be located in the Dominican Republic, a developing country. Moreover, several years earlier, at the General Assembly's thirty-first session, various countries agreed that the Institute should be located in a developing country. The benefits thus derived by both the host country as well as by the Institute cannot be undermined.

20. After careful study, it is apparent that the proposed merger of INSTRAW/UNIFEM would have demanded significant consultations with the Government of the host country, INSTRAW and the United Nations Secretariat. The United Nations should have allowed an adequate time-frame for the undertaking of such negotiations and a proper analysis of all the implications of such a merger, as stipulated in paragraph 13 (f) of the annex to document E/1993/82. It is our belief and deep concern that the short period that was allocated to the consideration of this matter has led to deliberations conducted in haste and without full consideration of all the legal, financial and administrative implications as well as the time-frame implications.

21. One of the legal aspects not taken into consideration is the Headquarters Agreement signed by the Government of the Dominican Republic, as the host country for INSTRAW, and the United Nations. This agreement, which constitutes the legal framework for the activities and operation of INSTRAW, has been hitherto completely ignored by the merger proposal. Of course, any initiative leading to the transfer of the Institute's headquarters to a different location must necessarily undergo a process of consultation and negotiations with the Government of the host country. To act otherwise would be tantamount to violating the provision of the Headquarters Agreement. This is why it is so surprising that, according to the information we have, arrangements are already being made for the possible transfer of the Institute's headquarters, with no attention being paid to the role that the Dominican Government has to play in this matter.

22. The valuable contributions made by the Dominican Republic in hosting the headquarters of a United Nations agency should be acknowledged. In the first place, the financial investment required to make available adequate housing and facilities for an international organization represents a significant burden for a developing country. Nevertheless, the Dominican Republic, quite conscious of its limited resources offered to be the host of the headquarters of INSTRAW pursuant to the recommendations set forth in General Assembly resolution 3520 (XXX) of 15 December 1975, which, among other considerations noted in the ninth preambular paragraph that "the promotion of development objectives and solution of crucial world economic and social problems should contribute significantly to improve the situation of women, in particular that of women in rural areas and in low-income groups". On that basis, the Dominican Republic has actively collaborated with the operations of INSTRAW in Santo Domingo with the understanding that the Institute would be located permanently in Santo Domingo.

23. It is most unfortunate and regrettable that the extraordinary efforts undertaken by the Dominican Republic have been ignored and that the relocation of the Institute is being contemplated and rushed without consideration or consultations with the host Government.

24. While the merger proposal aims at ensuring more efficient programmes and activities for the advancement of women within the United Nations, it is not at all clear how this is necessarily going to happen merely through a change of location. A merger with UNIFEM would deprive INSTRAW of its autonomy and identify. The establishment of INSTRAW emanated from General Assembly resolution 3520 (XXX), and resulted from the World Conference of the International Women's Year, held in Mexico. A merger proposal that contemplates

any significant change of statutes, including change of headquarters site, should be subject to a thorough evaluation. The proposed merger would involve sensitive administrative, programmatic, political and social issues, essential to the advancement of the status of women, especially those from developing countries.

25. Since one of the main objectives of the 1995 Fourth World Conference on Women is to review the progress made towards the advancement of women, and thus coincides with all that INSTRAW stands for, it is of the utmost importance that the merger not be decided upon by the General Assembly at its forty-eighth session but rather be referred to the Beijing Conference in 1995. Based on the recommendation of the World Conference the General Assembly would be in a position to take the appropriate action at its fiftieth session.

26. The Government of the Dominican Republic is deeply concerned that the Secretariat of the United Nations has taken actions which pre-empt a decision which is of the sole competence of the General Assembly.